

BOARD OF APPEALS CASE NO. 5016

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BEFORE THE

APPLICANT: Boyle Buick

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ZONING HEARING EXAMINER

REQUEST: Variance to locate an office trailer 3 feet from the side yard setback in the B3 District; 3205 Emmorton Road, Abingdon

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OF HARFORD COUNTY

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Hearing Advertised

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Aegis: 2/23/00 & 3/1/00

HEARING DATE: April 26, 2000

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Record: 2/25/00 & 3/300

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ZONING HEARING EXAMINER'S DECISION

The Applicant, Boyle Buick, is requesting a variance from Section 267-39(B), Table XII, of the Harford County Code to reduce the twenty (20) foot side yard setback requirement to three (3) feet in a B3 General Business District.

The subject property is located at 3205 Emmorton Road, Abingdon, in the First Election District. The property consists of two parcels which are more specifically identified as Parcels 30 and 275, in Grid 1F, on Tax Map 61. The two parcels together total 6.017 acres, all of which is zoned B3. The property is owned by Mr. and Mrs. Clarence C. Boyle, Sr.

Mr. Clarence C. Boyle, Jr., 7301 E. Wheel Road, Bel Air, appeared and testified that he is the current president and part-owner of Boyle Buick, the automobile dealership located on the subject property. Mr. Boyle stated that the dealership leases the property from his parents, the current property owners. He is seeking a variance to reduce the side yard setback by seventeen (17) feet so that an office trailer may be placed on the property adjacent to the existing body shop. Mr. Boyle indicated that a prior variance had been granted to allow construction of the body shop within the required side yard setback, and now they seek to place the office trailer for the body shop within the same setback, adjacent to the body shop.

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Mr. Boyle testified that the same unique topographical conditions exist today, as they did when the prior variance for the body shop was granted. The placement of equipment for utilities on the property, which were designed to meet the requirements of the prior zoning code, effectively reduced the viable location for the body shop and the associated office trailer to the requested site on the parcel. The office trailer must be placed in the requested location in order to service the body shop, allow the dealership to maneuver vehicles on the lot, and maintain a neat and consistent appearance in relationship to the body shop and other structures on the site.

Mr. Boyle went on to state that he did not believe there would be any negative impact or detrimental effect to adjacent properties or the surrounding area. The proposed office trailer would be placed next to a private access road, and other commercial properties are located next door and across the road from the Applicant's business. Mr. Boyle said that denial of the requested variance would cause the business to suffer practical difficulty and undue hardship because it would be unlikely that the needed office could be constructed anywhere else on the site and still meet the requirements of the current zoning code.

The Department of Planning and Zoning, whose report was admitted into evidence at the hearing, recommended approval of the requested variance. No witnesses appeared in opposition to the Applicant's request.

CONCLUSION:

The Applicant is requesting a variance to Section 267-39(B), Table XII of the Harford County Zoning Code, to permit the placement of an office trailer within the required 20 foot minimum side yard setback in a B3 General Business District. The Applicant is seeking a variance of 17 feet, which would result in a side yard setback of 3 feet.

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Based upon the uncontradicted evidence, it is the finding of the Hearing Examiner that the topographical conditions and equipment placement on the site create unique circumstances with regard to the subject property. The fact that the existing body shop is currently located within the required setback based upon prior approval of a variance, taken together with the purpose of the trailer which is to service customers of the body shop, suggests that the requested variance should be approved to allow for consistency in application of the Code requirements. In addition, the evidence demonstrated that denial of the variance would create undue hardship and practical difficulty for the Applicant and there would not appear to be any detrimental or negative impact to adjoining properties or to the purpose of the Code if the variance is approved.

Therefore, it is the recommendation of the Hearing Examiner that the request for a variance to reduce the side yard setback to 3 feet upon placement of an office trailer adjacent to the existing body shop be granted, with the condition that the Applicant obtain all necessary permits and inspections.

Date JUNE 12, 2000

Valerie H. Twanmoh
Zoning Hearing Examiner